

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

MINUTES OF THE REGULAR MEETING
OF THE FACULTY SENATE HELD ON
OCTOBER 11, 2002, IN THE SMITH HALL OF ART, ROOM A-114

Vice President Lehman called the meeting to order at 2:15 p.m.

Present: President Trachtenberg, Vice President Lehman, Registrar Geyer, Parliamentarian Pagel; Deans Frawley, Futrell, Southby, and Tong; Professors Balla, Briscoe, Cawley, Divita, Duff, Gallo, Griffith, Gupta, Haque, Harrington, Kennedy, Klarén, Maggs, Paratore, Robinson, Simon, West, Wilmarth, and Wirtz

Absent: Deans Harding, Phillips, Whitaker, and Williams; Professors Castleberry, Cordes, Friedenthal, Glascock, Pelzman, Sell, and Zaghloul

APPROVAL OF THE MINUTES

The minutes of the September 13, 2002, meeting were approved as distributed.

I. RESOLUTION 02/3, "A RESOLUTION ON THE REGULATORY COMPLIANCE HELP AND REFERRAL LINE"

Professor Robinson moved the adoption of Resolution 02/3 and then read her prepared statement as follows:

As you will recall, last spring the Senate passed two Resolutions on the Compliance Line. Following the passage of our second Resolution, the Executive Committee appointed three faculty representatives to work with the General Counsel's Office to develop Guidelines that would address the serious concerns expressed by the Faculty with respect to the Compliance Line that was established without any faculty consultation.

As reported at the Senate's last meeting, our three colleagues, Professors Michael Castleberry, Robert Park, and David Robinson worked on Guidelines proposed by the General Counsel's Office. They were successful in substantially modifying the Guidelines. Most of the dangers of the Compliance Line appear to have been eliminated.

The Executive Committee has also inserted additional provisions, via this Resolution, to provide further safeguards. Also, another amendment, which will provide additional protections, is being presented today by Professors Gupta and Wilmarth.

The Guidelines now provide the following:

1. That the Referral Line have no investigatory powers;
2. That individuals referring calls would not maintain files identifying people by name; and
3. That there would be a joint committee of faculty and administration which would have oversight responsibilities and assure that the Guidelines are followed and regular reports are made to the Senate.

Professor Kennedy asked it if was safe to say that the body of the Compliance document protects the person making a referral rather than the person who was being accused. Professor Robinson responded that retaliatory action against the complainant is prohibited.

Professor Gupta then moved an amendment to the Resolution which had been shared with elected faculty senators before the meeting. The motion was seconded. Professor Wilmarth, agreed to accept this language as a friendly amendment. The essence of Professor Gupta's amendment was that procedures established in the Faculty Code would be used to address Compliance Help and Referral Line issues relating to faculty.

A short discussion followed between Professors Gupta, Wilmarth, Griffith, Robinson, Parliamentarian Pagel, and Vice President Lehman concerning the exact form the amendment should take. Following this discussion, it was moved and seconded that Resolution 02/3 be amended as follows: that the first "Be It Further Resolved" Clause be amended by the addition of a new item (1) so that it would read:

- (1) Any issues relating to the university faculty would be addressed in accordance with the procedures established in the Faculty Code.

It was understood and agreed that the paragraph in the Resolving Clause beginning with the words "Unless an allegation received . . ." would remain and be designated item (2). Professor Wilmarth further clarified that the logical place for Professor Gupta's language in the body of the compliance line document generated by the General Counsel's Office would be on page 2, at the end of the Section entitled, "Types of Concerns Addressed." Professor Wilmarth's suggested amendment, now item 2 of the Resolving Clause, would follow.

The question was called and the amendment to Resolution 02/3 was adopted. The question was then called on the Resolution as amended, and the Resolution was adopted with one opposed. (Resolution 02/3 is attached.)

UPDATE ON COMMUNICATIONS

Vice President for Communications Michael Freedman began by describing the University's unprecedented six-year arrangement with CNN broadcasting company to bring the 'Crossfire' program to the Media and Public Affairs auditorium on the GW campus. This week marks the 28th that the program has been held on campus, and thus far there have been over 23,000 people in the audience, the majority of them students. The show is a six-camera network television shoot that is broadcast around the world live every evening from 7 p.m. to 8 p.m. Over 60 students serve as volunteers on the show, and there have been five internships in connection with the program. One class in the School of Business and Public Management is designing an on-line ticketing system as a capstone project for a course. Students have the opportunity to interact with the show's hosts, and with editorial and production teams as well.

While there was some concern early on about this arrangement and the potential for it to monopolize the broadcast auditorium, Vice President Freedman told the Senate that this has not happened, and the CNN staff have proven very good partners to work with. The production team comes in between 3 and 3:30 in the afternoon, Monday through Friday. The show wraps up at 8 o'clock, and the production team is out in record time – sometimes by 8:20 the auditorium is shut down and locked up. The auditorium is then available at all other times for other university purposes. A number of groups have particularly wanted to stage functions on the Crossfire set, and the CNN staff is very agreeable to almost any request, including allowing people to sit on the set and host functions there. They will also remove the set from the stage entirely, upon request. The crew, and the Executive Producer, are just terrific, he added.

Vice President Freedman then observed that while student involvement with the program has been ongoing, the broadcast has also generated a growing number of inquiries from faculty members and deans expressing interest in attendance, and some have brought classes to the program. Vice President Freedman urged faculty to be proactive if they are interested in engaging Crossfire and becoming involved, whether as audience members or participants. Crossfire is always looking for faculty experts in various areas, he said, not only for their own program, but for other network programs as well.

President Trachtenberg, having just arrived, assumed the Chair. Vice President Freedman continued, saying that the Crossfire program has shined a spotlight on GW, and that GW has been pleased to redirect that attention to showcase the academic excellence of the University. There are three criteria which govern the establishment of such a program on campus: first and foremost, whether or not students will benefit. Secondly there must be some positive visibility for the University in the project, and thirdly, the project must be cost effective. The Crossfire program, he said, meets all of these criteria and seems to be working well. And it is unprecedented, as there has never been a partnership between a TV news network and a University. The closest thing to GW's partnership with CNN is perhaps the relationship between the New School in New York and the BRAVO network for the weekly program "Inside the Actor's Studio." This program is seasonal, is broadcast

once a week, and is taped in advance. By contrast, Crossfire is a live, one-hour program that is broadcast every night, 52 weeks a year.

Professor Kennedy asked if the program is cost effective, and if that meant that it was bringing in revenue. Vice President Freedman confirmed that CNN pays some rent that helps to cover the University's negligible costs in connection with the show, so GW is not losing money on the project. CNN has also been very generous in donating equipment, such as a rear screen projector screen in the auditorium, and a new Crossfire banner with the new visual image of The George Washington University. GW is mentioned four times a night on the show, including the CNN e-mail address (cnn@gwu.edu) at GWU for tickets which appears onscreen midway through the program. The audience shots also prominently feature the new banner in the background.

The President asked if there is now a Jazz Show, and Vice President Freedman confirmed that a program has been launched in concert with the student radio station, WRGW. In partnership with the Duke Ellington School of the Arts, and the Kennedy Center and the Smithsonian Associates, a program called "GW Presents American Jazz" is broadcast each Sunday from 10 a.m. to 12 noon locally, on WRC radio. The program has just been picked up by XM Satellite Radio – the new state-of-the-art satellite radio network in the United States. There is also significant student involvement in this project, and it is giving them a terrific feel for what it's like to produce some real network quality radio programming.

There being no further questions or comments, Vice President Freedman thanked the Senate for its attention, and again encouraged faculty support for and participation in these communication efforts.

UPDATE ON PROPOSED RESTRUCTURING OF UNIVERSITY GOVERNANCE

Professor Robinson advised the Senate that the Executive Committee had written a letter to President Trachtenberg concerning his written response dated September 18 to Resolution 02/2, which had already been distributed to Senate members. Professor Robinson then read the text of the Executive Committee's letter which was dated October 11, 2002, and advised the Senate the letter would be made available to everyone following the meeting. (The President's response and the Executive Committee's letter of October 11th is attached.)

The President then asked if there were any comments. There being none, the Senate moved on to the next item of business.

INTRODUCTION OF RESOLUTIONS

No resolutions were introduced.

GENERAL BUSINESS

I. NOMINATION FOR ELECTION TO FACULTY SENATE STANDING COMMITTEES

Professor Robinson moved the following nominations for appointment to the following Senate Standing Committees: Appointment, Salary, and Promotion Policies: Arthur Kirsch; Honors and Academic Convocations: Barry L. Berman as Chair, and Bernard Wood; the following Student Association nominations for ex-officio, liaison positions [not appearing on the agenda] were also moved: Athletics and Recreation: Justin Shummer; Educational Policy: Don Jacobsen; Honors and Academic Convocations: Blake Newmark; Libraries: Melissa Tiarks; Physical Facilities: Zack Beyer; University and Urban Affairs: Alice Lingo. The following nominations were also moved for student members of the Joint Committee of Faculty and Students: Fiona Conroy, Student Co-Chair, Nina Kollars, Drew A. Sindlinger, and Darrell Villaruz. The nominations were approved.

II. NOMINATION FOR ELECTION BY THE FACULTY SENATE TO THE STUDENT GRIEVANCE REVIEW COMMITTEE:

Professor Robinson moved the following nomination for election to the Student Grievance Review Committee: Frank T. Anbari. The nomination was approved.

III. REPORT OF THE EXECUTIVE COMMITTEE

Professor Robinson presented the Report of the Executive Committee, which is enclosed.

BRIEF STATEMENTS (AND QUESTIONS)

In response to Professor Robinson's observation that the Senate was now operating under new grievance procedures, Professor Griffith asked if it would not be appropriate now to reprint the Faculty Code with these and other amendments incorporated into it, as appropriate. Professor Robinson replied that the matter is under active consideration by the Executive Committee.

Vice President Lehman said he wanted to re-emphasize what Professor Robinson had said concerning attendance at the Faculty Assembly on November 11th. The meeting has been moved to the Marvin Center Ballroom, in part to provide more room for attendees, and he added that he had just sent letters out to all new faculty and all department chairs urging them to have as many faculty present as possible. In addition, for the first time, new faculty who are present will introduce themselves. Vice President Lehman then encouraged everyone to come to the Assembly.

Professor Griffith asked if a Report on the Strategic Plan for Academic Excellence would be made at the Assembly, and Vice President Lehman confirmed that it would. Professor Griffith also asked if there would be a report from the business side about the Plan, and Vice President Lehman responded that he had not asked that such a presentation be made, but that he would try to arrange it.

President Trachtenberg then made two brief statements. First, he observed that the weekend of October 11th – 13th marks Alumni/Parent Weekend, and the University is expecting between 8,000 and 10,000 guests. He added that he had spent part of the day talking to the 50th anniversary class. It is a melancholy observation, he said, that last year he had had to explain to parents what the University was doing to protect their children from terrorists just after September 11th, and this year there is a sniper at large. It is important, he said, for the University community to resonate a sense of confidence and security, and also to welcome the many guests at the University this weekend.

Secondly, the President said that he started the day by unveiling a plaque in honor of Vincent DeVigno, who was a member of The George Washington University faculty at the Medical School for five years, during which time his research resulted in his being awarded a Nobel Prize. The plaque in his honor has been placed adjacent to that of Julius Axelrod, who received his Ph.D. from GW and also was awarded a Nobel Prize. Both plaques have been placed outside of Ross Hall on Tauber Walk between the GW Hospital and the Medical School. The President added that it seemed to him that GW has been excessively modest as an institution. At other colleges and universities, one sees, on a regular basis, plaques and other adornments celebrating the accomplishments of members of those academic communities. In addition to the two plaques honoring Nobel recipients, another has been placed honoring George Gamow, the physicist. The President added that he thought one honoring Edward Teller might also be under consideration. The President then concluded his brief statements by inviting the departments, schools, and faculty to submit the names of past faculty whose accomplishments might be deserving of being honored in this manner. Given the length of GW's history as an institution, and the quality of its faculty over long periods of time, he said he thought it would not be too difficult to discover other people who deserve to be recognized.

Professor Griffith then offered a comment on something he had read in The Hatchet, purportedly a quote from a staff member in the student life division, about the construction of new row houses adjacent to the Smith Center. The staff member was quoted as saying that it was hoped that some of the fraternities and sororities would be interested in those buildings, and that they would play a fuller role in university life than they have in the past. Professor Griffith said he did not think the faculty had been asked if they thought this was a good idea. Personally, he said, this would be a step in exactly the wrong direction, as Greek life is an enormous distraction to students. It leads to behavior that the University would not be proud to see printed in the newspapers. Professor Griffith said he was not in favor of eliminating the fraternities and sororities GW has now, and that he believed in a "live and let live" attitude toward them. However, he concluded, he did not see that it would further

the academic reputation of the University to further advance the role of Greek organizations here.

Professor Kennedy suggested that the University consider honoring Samuel Flagg Bemis with a plaque, as he had won the Pulitzer Prize for Diplomacy of the American Revolution while he was a Professor at GW in the 1930's. The President thanked Professor Kennedy for this suggestion.

ADJOURNMENT

Upon motion made and seconded the meeting was adjourned at 3:15 p.m.

Dennis L. Geyer

Dennis L. Geyer
Secretary

**A RESOLUTION ON THE REGULATORY COMPLIANCE HELP AND
REFERRAL LINE (02/3)**

WHEREAS, on February 8, 2002, the Vice President and Treasurer, without consultation or advance notice to the faculty, invited members of the University community to file anonymous as well as self-identified complaints directed at any behaviors that the complainants deemed "unethical," illegal, or violative of any policies or regulations by calling a toll-free "Compliance Line," and

WHEREAS, on March 8, 2002, in Resolution 01/9, the Faculty Senate requested that the establishment of the "Compliance Line" and related procedures be suspended and referred for further study by the Faculty Senate and all relevant components of the administration of the University, and

WHEREAS, the "Compliance Line" was not suspended, and

WHEREAS, on April 12, 2002, the Faculty Senate approved Resolution 01/13 requesting administrative action on the implementation of Resolution 01/9, and

WHEREAS, thereafter a joint ad hoc committee of representatives of the Faculty Senate and the administration met and developed guidelines to attempt to assure that the "Regulatory Compliance Help and Referral Line" would be limited to referring complaints to already established offices of the University, that anonymous complaints would be discouraged, that it would not undertake its own investigations, that it would not maintain separate dossiers, in which people were identified by name, and that a joint committee of faculty and administration would be created to provide oversight; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON
UNIVERSITY**

That the Faculty Senate approves the efforts of the administration to address most of the perceived dangers of the "Compliance Line" and calls upon the administration to monitor it, with the assistance of the faculty, to assure that the guidelines are followed and regular reports made to the Senate.

BE IT FURTHER RESOLVED,

That the Faculty Senate requests that the following sentences be inserted at the end of the section entitled "Types of Concerns Addressed" on page 2 of the guidelines:

- (1) "Any issues relating to the University faculty would be addressed in accordance with the procedures established in the Faculty Code."

- (2) "Unless an allegation received through the Compliance Line is substantiated during subsequent investigative and/or hearing procedures that are conducted in accordance with applicable University policies and legal requirements, the allegation itself will not be used by the University as a basis for imposing any sanction against, or denying any benefit, privilege, or honor to, any faculty member, staff member, or student who is the subject of the allegation."

BE IT FURTHER RESOLVED,

That (1) the Faculty Senate believes that the "Allegation" category in Item 11 of the attachment, entitled "Workplace Conduct," is excessively vague and not in keeping with the section entitled "Types of Concerns Addressed" on page 2 of the guidelines; and (2) the Faculty Senate requests that the "Allegation" category in Item 11 either be deleted or be revised to refer to a specific violation of law, regulation, or University Policy.

Executive Committee of the Faculty Senate
October 2, 2002

Adopted, as amended, October 11, 2002



THE GEORGE
WASHINGTON
UNIVERSITY
WASHINGTON, DC

THE PRESIDENT

TO: Lilien Robinson
FROM: Stephen Joel Trachtenberg
DATE: September 18, 2002

I have the resolution of the Faculty Senate from its Friday, September 13, meeting regarding the modest administrative reorganization I have proposed. Having been present at the meeting at which this item was passed, I bring to it a knowledge of the "legislative history"—that is to say, the exchange between myself as President and the Senators deliberating the issue. I think you will agree that an understanding of the resolution, drafted before any of that discussion, has to be informed by the debate. I propose that we do so.

In my initial response to the resolution—which, as you know, was sent prior to the meeting—I raised misgivings that I have about at least one of the more significant "WHEREAS" clauses. For logistical reasons my memorandum of September 11 was never distributed to the Senate. I believe the debate was poorer for that.

I also think that the Faculty Code is clear about what I may do notwithstanding critical sentiment by the Senate. Indeed, there are a number of matters in which the Code obliges the President to consult with the Senate but clearly leaves the decision about how to proceed to the President. This point was passed over in the resolution. But I think all would agree that the Code trumps a resolution. So what to do?

I am going to proceed as I told the Senate I might. That is to say, I am going to designate Dr. John Williams as Provost. He will retain responsibilities he presently has. I think the long history of Harold Bright's appointment as Provost as well as Vice President, 1966-1984, and later William Johnson's appointment as Provost, 1984-1989, gives us authoritative precedent for this. I believe this was acknowledged on Friday. It is my intention, as I indicated, further to ask that in his capacity as Provost Dr. Williams serve as my surrogate—for example, as a spokesman for the University when I am absent or should I be incapacitated. I'm going to ask him to meet with certain visitors to the University when I am compellingly committed elsewhere. And I'm going to initially have the Vice President for Communications and the Vice President for Government, International and Corporate Affairs report to Dr. Williams as Provost. He will have other similar duties as assigned. I think you will find the attached chart helpful.

As to the Law School, I believe that one fair reading of the Faculty Code would permit the redesignation of the Law School's reporting function to the Provost, with the concurrence of the Law School faculty. However, because the Senate resolution has asked that this not proceed, and because of the argumentation made and the particularly collegial tone and demeanor of our exchange—for which I am most grateful—I am going to accede to the suggestion of the Senate that this matter receive additional consideration. I want to be certain, if I can be, that the confidence and trust of the Senate in this initiative is unchallenged in perception and reality. You have asked for more time to study this matter. I'm delighted to have your advice and counsel on this matter consistent with the Senate's statutory role. I'd be obliged if you provided me with your considered views by the end of October.

I mentioned to the Senate that I was going to ask Dr. Williams to serve as an Interim Provost. accept as an even better idea the thoughtful recommendation made from the floor during debate

Lilien Robinson
September 18, 2002
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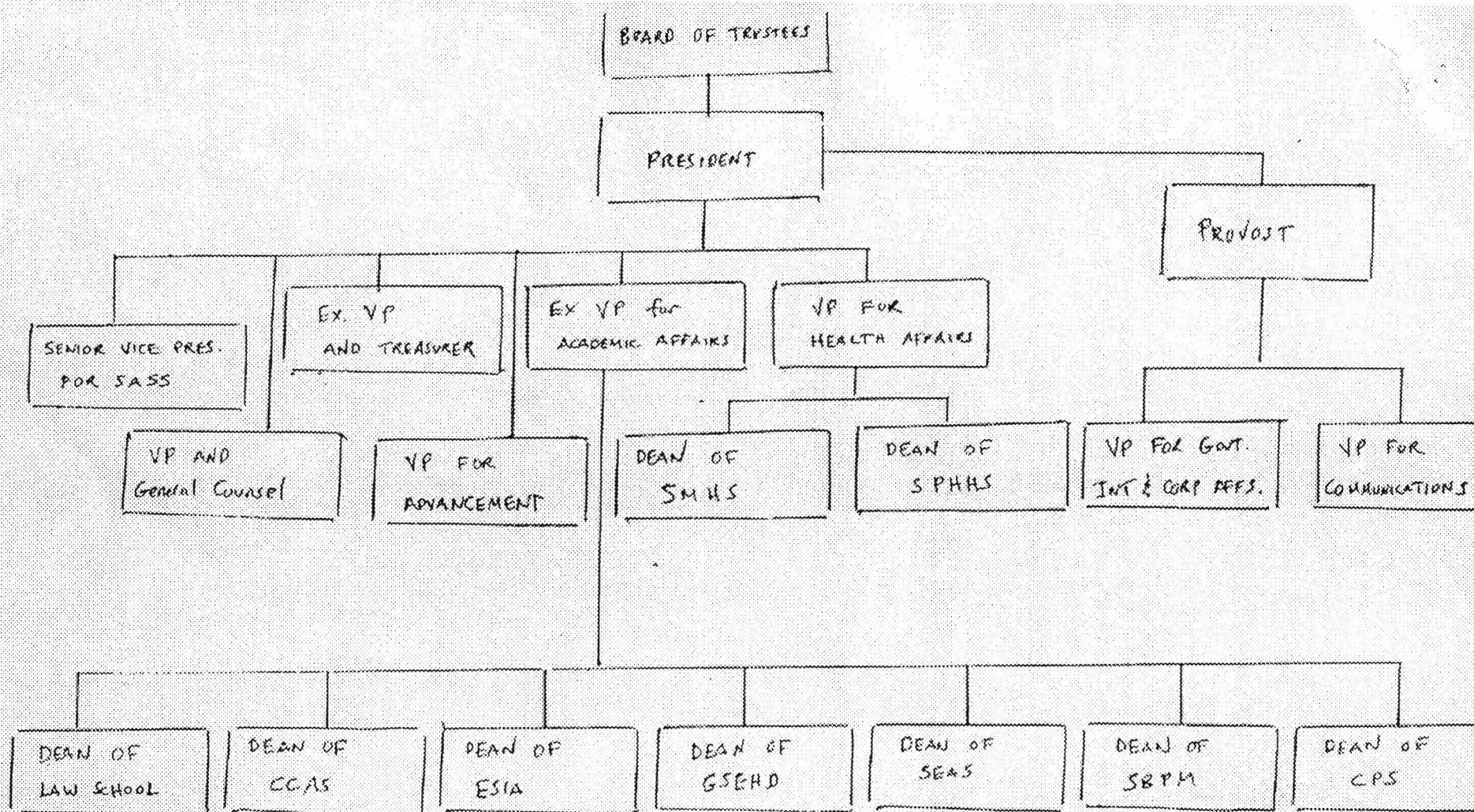
that he rather be named Provost for a fixed three-year term. At the end of this period I will present to the Senate an analysis of the success of this endeavor, my thinking about continuing it, and solicit the Senate's sentiments.

I take this opportunity to once again underscore for the Senate three additional very positive changes in the Administration that I've mentioned a couple of times but which might not have gotten the attention they deserve due to the Senate's focus on the Law School—(1) I'm going to designate Louis Katz as Executive Vice President and Treasurer; (2) I'm going to designate Donald Lehman as Executive Vice President for Academic Affairs and the George Gamow Professor of Theoretical Physics; and, finally, (3) Robert Chernak will be named Senior Vice President for Student and Academic Support Services.

I look forward to following up with you on the pledge of the Faculty Senate to work with the Administration for the strengthening of the University's academic goals.

Enclosure

SJT/r/c



October 11, 2002

TO: President Stephen J. Trachtenberg

FROM: Professor Lilien Robinson on behalf of the Faculty Senate Executive Committee

We have received your September 18, 2002, response to the Resolution of the Faculty Senate regarding your proposed reorganization. As we all attended the same Senate meeting, the sense of the Senate is conveyed in the Resolution and the accompanying comments. Following up on your request for our "considered views," the comments which follow represent the consensus of the Senate Executive Committee (with one abstention) as reflected in the feedback provided by the Faculty of our respective constituencies.

First, we must again (as we did at the Senate meeting) take issue with the characterization of the appointment of a Provost, especially when charged with *any* academic responsibility, as a "modest" proposal or a "tempest in a teapot." With all due respect, Mr. President, a proposal to split the academic side of the house into pieces is hardly one to be taken lightly. We view this proposal as one which is as important as any other matter considered in the history of the Senate.

Although we take strong exception to your assertion of Code-specified delegation to the President to shift the Law School's reporting function to an administrative official other than the Vice President for Academic Affairs (and are prepared to pursue this further if necessary), the issue of what the President is and is not empowered to do begs the far more important question of whether such bisection properly serves the best interests of the University. This should be the overriding (really the *only*) basis for a decision of the considerable magnitude being proposed. Casting aside (for the moment) the not-inconsequential question of presidential prerogative, what you heard from the University Faculty, as articulated through their elected representatives, was striking agreement from virtually all sides of the academic house but one: a split of the academic community would have devastating and long-lasting negative consequences.

Among other problems, such separation would effectively preclude the ongoing generation of a unified strategic academic plan. It would leave the University bereft of the single "Chief Academic Officer" to coordinate *all* academic activities (including all current and new academic initiatives, tenure decisions, promotion decisions, and academic resource allocation decisions) that characterizes *all* other major American universities. It would strip the Faculty of its academic leader -- the glue that holds the academic side of the house together. It would greatly impede cross-school liaisons (including those currently enjoyed by the GW Law School with other University academic units, as partially reflected in Dean Young's recent presentation to the Senate). It would send a message to all deans inside the University "if you don't want to play ball, just get the ear of the President and he will find a way to have you report to someone other than the Vice President for Academic Affairs," and in so doing greatly undermine the authority of the Vice President for Academic Affairs with respect to *all* the deans. And it would send a chilling message to other top universities (and to possible applicants for academic positions at all levels) that The George Washington University no longer takes seriously its commitment to a top-quality academic program.

You have noted your disposition to appoint a Provost as a strictly-administrative position, and to make that a *permanent* appointment rather than the temporary position you proposed at the Senate meeting. Your reference to Senate discussion notwithstanding, we need to be clear that this was most certainly not a position recommended by the Senate, and we are certain that had the Senate been requested to take a formal position on this issue, there would have been strong concern about at least two characteristics of this issue.

First, at most colleges and universities which have the title "Provost," the Provost is the Chief Academic Officer *and* the Chief Fiduciary Officer. Under your proposal, the Provost would be neither, fulfilling only a ceremonial surrogate role. This is a highly unusual role description for a person holding the title "Provost". We request of you absolute assurance that the Provost at GW will include *no* academic responsibilities whatsoever, including that of a quasi academic vice president to whom the Medical School and the School of Public Health report.

Furthermore, in view of the academic responsibilities of the Provost at other universities, the job is filled via a nationwide search. It would be *totally* unacceptable to make this position permanent (under the auspices of a "strictly administrative" umbrella), without a nationwide search, and then subsequently have a "change of heart" which would shift one or more academic units (e.g., the Law School) under the aegis of the Provost. We need to make this forcefully clear: to make a non-academic appointment and subsequently alter the reporting lines so that this individual has academic responsibilities without a nationwide search in conformance with the procedures carefully stipulated under the Faculty Code (as practiced at every other major university in the country), would not be acceptable in any form. It would be stunning if a bona fide nationwide search were required before the selection of an assistant professor, but not before the selection of a Provost with academic responsibilities.

We are also very concerned that the organization chart accompanying your memorandum fails to acknowledge the formal role of the Vice President for Academic Affairs in all *academic* decisions involving the School of Medicine and the School of Public Health and Health Services. In the Senate meeting, you were quite specific that all *academic* decisions involving these two schools would, under this proposal, continue to be channeled through the Vice President for Academic Affairs, and not through the proposed Provost position. There is no formal recognition of this fact in the materials you provided the Committee -- an omission that we request you remediate. The Vice President for Academic Affairs must have total academic authority over the deans of *all nine* GWU schools: CCAS, CPS, ESIA, GSEHD, SBPM, SEAS, SMHS, SPHHS, and the Law School (GWLS).

Finally, we wish to note that in order for us to provide you with any further "considered views," we request (in the words of the Resolution) "that the administration identify the concerns it believes need to be addressed." We continue to wonder about the *academic* problems that have motivated this proposal, and are unable to respond further until we get a better sense than we have that the problems are truly structural and not merely a function of personality clashes in your administration. To date, we have heard no persuasive justification for the changes you propose.

When such perceived problems are brought to our attention, we stand prepared (as we have previously noted) to work with the administration, through a specially-appointed committee, in determining avenues for strengthening the academic governance structure in order to achieve the University's goals as defined in the Strategic Plan for Academic Excellence.

REPORT OF THE EXECUTIVE COMMITTEE

October 11, 2002

Lilien F. Robinson, Chair

I. Status of Faculty Personnel Matters

Two grievance cases are currently in process. Both are in the mediation phase. One case is in the School of Business and Public Management and the other in Columbian College.

With respect to the grievance process in general, the Executive Committee has been trying to establish a list of colleagues from throughout the University to serve as mediators in the future.

II. Meeting of the Academic Affairs Committee of the Board of Trustees

The Academic Affairs Committee will be meeting on October 18. As in the past the Committee will be receiving the Faculty Senate report, a copy of which will be distributed to the Senate.

A major item in this report is the Senate Resolution on proposed University governance restructuring. As the Faculty representative on this Committee, I will also be providing additional oral commentary on the matter.

The Academic Affairs Committee has asked that I address the issue of the Board's role with respect to administrative nonconcurrences with faculty personnel recommendations.

Last Spring a nonconcurrence was directed to the Academic Affairs Committee for final resolution. My understanding is that the Board Committee wants to hear the reasons for its inclusion in the process.

When the Faculty Code was established in 1937 the disposition of disputed personnel decisions rested with the Board of Trustees. In 1994 the Board unilaterally withdrew itself from the process. Following a strong negative response of the Faculty Senate, supported by the faculty at large, and a meeting of Executive Committee representatives and the Executive Committee of the Board, a compromise was reached. As now stated in the Faculty Code, the recommending faculty may submit the case for final disposition either to the Board of Trustees or the President of the University.

If the Board understands that it is not required to make a de novo personnel decision, but only to judge the fairness of the process followed by the faculty in fulfilling its role as the primary decision-maker in faculty personnel matters, it can see that the present Faculty Code responsibilities of the Trustees are neither onerous nor inappropriate.

III. Matters in Process

The Executive Committee is working on a Resolution with respect to Senate representation for the School of Public Health and Health Services. The Committee intends to bring it before the Senate and subsequently before the Faculty Assembly, as such a change would have to be reflected in the Faculty Organization Plan and requires the approval of the Faculty Assembly.

An item being planned for the agenda of the next Executive Committee meeting is the tenure/non tenure faculty ratios. We will be discussing this matter with Vice President Lehman. It is my understanding that he will be sharing the available data with us.

The Executive Committee has been asked by Vice President Lehman to appoint two faculty members to the Salary Equity Review Committee. It has also been asked by Associate Vice President Linebaugh to recommend one faculty member to serve on each one of three committees which will be working on the Middle States Periodic Review Report.

IV. Upcoming Meetings

The Faculty Assembly meeting date has been changed to November 11, 3 p.m. to 5 p.m., in the Marvin Center Ballroom. A reception will follow the meeting.

The next Executive Committee meeting is scheduled for October 25. Should you have resolutions or reports for the November meeting of the Senate, please submit them prior to October 25.

Thank you.

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

The Faculty Senate

October 3, 2002

The Faculty Senate will meet on Friday, October 11, 2002, at 2:10 p.m. in the Art Department Lecture Hall, Smith Hall of Art, Room A-114 [Please note change of location]

AGENDA

1. Call to order
2. Approval of the minutes of the regular meeting of September 13, 2002, as distributed
3. Resolutions

A RESOLUTION ON THE REGULATORY COMPLIANCE HELP AND
REFERRAL LINE (02/3); Professor Lilien F. Robinson, Chair, Executive
Committee of the Faculty Senate

4. Update on Communications by Vice President Michael Freedman
5. Update on proposed Restucturing of University Governance
by Professor Lilien F. Robinson, Chair, Executive Committee of the Faculty Senate
6. Introduction of Resolutions
7. General Business:
 - (a) Nomination for election to Faculty Senate Standing Committees:
Appointment, Salary, and Promotion Policies: Arthur Kirsch;
Honors and Academic Convocations: Barry L. Berman as Chair, and Bernard
Wood
 - (b) Nomination for election by the Faculty Senate to the Student Grievance Review
Committee: Frank T. Anbari
 - (c) Report of the Executive Committee: Professor Lilien F. Robinson, Chair
8. Brief Statements (and Questions)
9. Adjournment

Dennis L. Geyer /s

Dennis L. Geyer
Secretary

Attachment

**A RESOLUTION ON THE REGULATORY COMPLIANCE HELP AND
REFERRAL LINE (02/3)**

WHEREAS, on February 8, 2002, the Vice President and Treasurer, without consultation or advance notice to the faculty, invited members of the University community to file anonymous as well as self-identified complaints directed at any behaviors that the complainants deemed "unethical," illegal, or violative of any policies or regulations by calling a toll-free "Compliance Line," and

WHEREAS, on March 8, 2002, in Resolution 01/9, the Faculty Senate requested that the establishment of the "Compliance Line" and related procedures be suspended and referred for further study by the Faculty Senate and all relevant components of the administration of the University, and

WHEREAS, the "Compliance Line" was not suspended, and

WHEREAS, on April 12, 2002, the Faculty Senate approved Resolution 01/13 requesting administrative action on the implementation of Resolution 01/9, and

WHEREAS, thereafter a joint ad hoc committee of representatives of the Faculty Senate and the administration met and developed guidelines to attempt to assure that the "Regulatory Compliance Help and Referral Line" would be limited to referring complaints to already established offices of the University, that anonymous complaints would be discouraged, that it would not undertake its own investigations, that it would not maintain separate dossiers, in which people were identified by name, and that a joint committee of faculty and administration would be created to provide oversight; **NOW, THEREFORE,**

**BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON
UNIVERSITY**

That the Faculty Senate approves the efforts of the administration to address most of the perceived dangers of the "Compliance Line" and calls upon the administration to monitor it, with the assistance of the faculty, to assure that the guidelines are followed and regular reports made to the Senate.

BE IT FURTHER RESOLVED,

That the Faculty Senate requests that the following sentence be inserted at the end of the section entitled "Types of Concerns Addressed" on page 2 of the guidelines:

"Unless an allegation received through the Compliance Line is substantiated during subsequent investigative and/or hearing procedures that are conducted in accordance with applicable University policies and legal requirements, the allegation itself will not be used by the University as a basis for imposing any sanction against, or denying any benefit, privilege, or honor to, any faculty member, staff member, or student who is the subject of the allegation."

BE IT FURTHER RESOLVED,

That (1) the Faculty Senate believes that the "Allegation" category in Item 11 of the attachment, entitled "Workplace Conduct," is excessively vague and not in keeping with the section entitled "Types of Concerns Addressed" on page 2 of the guidelines; and (2) the Faculty Senate requests that the "Allegation" category in Item 11 either be deleted or be revised to refer to a specific violation of law, regulation, or University Policy.

Executive Committee of the Faculty Senate
October 2, 2002

Draft: August 28, 2002

REGULATORY COMPLIANCE HELP AND REFERRAL LINE

Preamble

The Regulatory Compliance Referral Line (the "Referral Line") is established by The George Washington University to facilitate the proper directing of concerns, including possible violations of federal and local law, as well as health and safety issues, to the appropriate offices within the University. The Referral Line is intended to provide GW personnel with efficient access to University programs for resolving specific concerns and complaints on a timely basis, by routing calls to the established offices best suited to addressing covered issues. Referral Line staff will also perform an important tracking function for calls referred to University offices.

In general, the Referral Line will be staffed by personnel trained to determine the nature of the concerns expressed by the caller. Staff will then direct the matter to the most appropriate University office for responding to that type of issue. Staff will subsequently follow up with that office to determine whether that office accepted responsibility to process the call. So long as the Referral Line remains in use, the procedures governing its operation will be no more intrusive than those outlined below.

Objectives of the Referral Line

The objectives of the Referral Line are as follows:

- to provide an intake clearinghouse for concerns and complaints governed by this program;
- to refer calls to the University offices established throughout the institution for handling specific allegations;
- to tally the general categories of concerns, complaints and the referrals made in order provide data for the evaluation of existing University policies, as well as the need for additional training of University personnel;
- to direct callers to a central location for obtaining information on GW policies;
- to provide guidance to callers on where to go for assistance in determining how to comply with University policies and procedures, as well as federal and local law.

Operation of the Referral Line

The Referral Line will be operated by University personnel in the Compliance Office or by an outside agency retained for that purpose. Persons

answering calls will be trained and carefully scripted. The responsibility of such persons is to ascertain the nature of the concern expressed by the caller and to prepare a short summary for referral to the appropriate University office for handling. If the concern is not handled by a University office or is not otherwise covered by this program, the caller will be so informed. In such case, the caller may be directed to the most appropriate person to provide advice on that issue, e.g. a faculty advisor, dean, supervisor or University police. For calls referred to a University office, Referral Line staff will assign a tracking number for follow up that does not personally identify persons named in the call. Referral Line staff will use that tracking number to periodically follow up with the office to which a call has been referred to determine whether the office accepted responsibility to process the call.

Types of Concerns Addressed

The Referral Line is intended to address the following concerns:

1. allegations of a violation of a statute or regulation of the federal or local government,
2. allegations of a violation of requirements of outside agencies with jurisdiction over GW activities,
3. allegations of violations of University-wide policies, and
4. allegations involving threats to health and safety.

Attached is a list of the allegations covered, current as June, 2002. These areas will be adjusted to comply with changes in areas 1-3, above.

The Referral Line is not intended to cover general allegations of misconduct not covered by the above listed concerns or other University policies and procedures. Further, the Referral Line will not supplant, duplicate or supplement established University investigation procedures, nor circumvent the rights of parties – including those making allegations and those identified in the allegations – to participate in established procedures for addressing the allegations.

Anonymous Calls

The Referral Line staff will request callers to identify themselves, but will accept anonymous calls if the caller declines to provide a name. Allegations of misconduct will be referred to the appropriate office for processing, notwithstanding the anonymity of the caller. A caller requesting anonymity, however, will be advised that the request for anonymity may limit the University's ability to respond and thus callers will be encouraged to identify themselves. If a caller is afraid of possible retaliation, the caller will be assured that University policy prohibits acts of retaliation based on allegations of misconduct made in

good faith. The University will take steps to prevent retaliation in such circumstances and will take strong responsive actions if retaliation occurs.

Oversight

The operation of the Referral Line will be reviewed by the Compliance Committee established by the University. The Compliance Committee shall include representatives of the Faculty Senate. Periodic reports on the operation of the Referral Line will be reviewed by the Compliance Committee, with copies made available to the Faculty Senate. These reports will be general summaries of the operation and will not include any references to persons, or personally identifying information, relating to either the caller or persons named in the call. The Compliance Committee may recommend changes to the operation of the Referral Line in order to more effectively accomplish the purposes as set forth above.

Compliance Office Tracking

The Compliance Office will track the number of calls made, the nature of the concerns alleged, the University offices to which the calls have been referred, and the resolution of the calls. The Compliance Office will produce periodic reports summarizing such information. The Compliance Office will track calls using the tracking number and will not maintain records identifying persons named in the calls.

Arthur E. Wilmarth, Jr.
Draft of 9/13/02

Proposed Amendment to Guidelines for the Compliance Line

Add the following sentence at the end of the section entitled "Types of Concerns Addressed," on page 2 of the guidelines:

"Unless an allegation received through the Compliance Line is substantiated during subsequent investigative and/or hearing procedures that are conducted in accordance with applicable University policies and legal requirements, the allegation itself will not be used by the University as a basis for imposing any sanction against, or denying any benefit, privilege or honor to, any faculty member, staff member or student who is the subject of the allegation."